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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,716	10/24/2001	Sven O. Lund	1020.P12870	9752

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KACVINSKY LLC
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER
WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/027,716	LUND ET AL.
	Examiner	Art Unit	
	Michael Y. Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-9,11,12 and 14-19* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-9,11,12 and 14-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
                                                      Paper No(s)/Mail Date. _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)   6) ☐ Other: _____ .
     Paper No(s)/Mail Date _____.

DETAILED ACTION

1.   This action is in response to the amendment filed November 28, 2006.

2.   Claims 1 and 14 have been amended.

3.   Claims 1-5, 7-9, 11, 12, and 14-19 have been examined and are pending with this action.

4.   Claims 1, 8, 11, and 14, previously rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-5, 7-9, 11, 12, and 14-19 are rejected under 35 U.S.C. 102(e) as being

anticipated by Langley et al. (US 6,700,890 B1).

INDEPENDENT:

As per **claim 1**, Langley teaches a method to configure a network device,

comprising:

receiving a request to configure a first permanent virtual circuit (PVC) (see col.3,

lines 16-21: "request... and update the configuration information") between a digital

subscriber line (DSL) (see col.5, lines 46-49: "ADSL") device (see Fig.2A, #220; and

col.6, lines 25-26: "endpoint device 220") and a DSL access module (DSLAM) (see

Fig.2A, #210 and col.4, lines 30-34: "ATM switch 210"); and

automatically configuring said first PVC (see col.3, lines 10-12: "does not have to

be manually entered" and lines 33-37: "avoiding the need for a person to manually

associate") using a list of probe values (see col.5, lines 25-26: "VPI and VCI in the

parameter of the initial request are zero") sent with test packets (see col.5, line 22:

"SNMP "getnext" command... along with a parameter") to probe for configuration

information for said first PVC (see col.5, lines 21-36: "VCI and VPI values are not

known, an SNMP "getnext" command sent from the requesting device to the receiving

device... In this manner, all of the rows of the table 280 may be obtained"), and using

said configuration information to configure said first PVC (see col.3, lines 17-21: "The

endpoint device can then request the configuration information for that PVC, and update

the configuration information stored in the endpoint device"; and col.5, lines 17-20: "The

receiving device returns the parameter that was sent to it as part of the request, and the

corresponding value of the requested configuration parameter"), wherein said probe values and configuration information comprise a virtual channel identifier (VCI) and a virtual path identifier (VPI) (see Fig.2B and col.4, lines 59-65).

As per **claim 8**, Langley teaches of a system to configure a network device, comprising:

a digital subscriber line (DSL) (see col.5, lines 46-49: "ADSL") customer premise equipment (CPE) (see Fig.2A, #220; and col.6, lines 25-26: "endpoint device 220");

a DSL access module (DSLAM) (see Fig.2A, #210; and col.4, lines 30-34: "ATM switch 210") connected to said DSL CPE (see Fig.2A);

a DSL (see col.5, lines 46-49) probing module to use a list of probe values (see col.5, lines 25-26: "VPI and VCI in the parameter of the initial request are zero") sent with test packets (see col.5, line 22: "SNMP "getnext" command… along with a parameter") to probe for configuration information for use in automatically configuring a permanent virtual circuit (PVC) (see col.3, lines 10-12: "does not have to be manually entered" and lines 33-37: "avoiding the need for a person to manually associate") between said DSL CPE and said DSLAM (see col.3, lines 17-21: "The endpoint device can then request the configuration information for that PVC, and update the configuration information stored in the endpoint device"; and col.5, lines 17-20: "The receiving device returns the parameter that was sent to it as part of the request, and the corresponding value of the requested configuration parameter"), wherein said probe

values and configuration information may comprise a virtual channel identifier (VCI) and a virtual path identifier (VPI) (see Fig.2B and col.4, lines 59-65).

As per **claim 11**, Langley teaches of a probing module for a network device, comprising:

an event management module to automatically (see col.3, lines 10-12: "does not have to be manually entered" and lines 33-37: "avoiding the need for a person to manually associate") send test packets using probe values (see col.5, line 22: "SNMP "getnext" command... along with a parameter") from a digital subscriber line (DSL) (see col.5, lines 46-49: "ADSL") device (see Fig.2A, #220; and col.6, lines 25-26: "endpoint device 220") to a DSL access module (DSLAM) (see Fig.2A, #210 and col.4, lines 30-34: "ATM switch 210");

a detection module to detect a packet received in response to at least one of said packets (see col.3, lines 30-33: "request the configuration information, it receives the identifier of the PVC" and col.5, lines 50-55); and

an extraction module to retrieve configuration information from said received packet (see col.3, lines 17-21: "The endpoint device can then request the configuration information for that PVC, and update the configuration information stored in the endpoint device"; and col.5, lines 17-20: "The receiving device returns the parameter that was sent to it as part of the request, and the corresponding value of the requested configuration parameter"), wherein said probe values and configuration information may

comprise a virtual channel identifier (VCI) and a virtual path identifier (VPI) (see Fig.2B

and col.4, lines 59-65).

As per **claim 14**, Langley teaches an article comprising:

a storage medium (see col.4, lines 6-10);

said storage medium including stored instructions that, when executed by a

processor (see col.4, lines 3-6), result in configuring a network device by receiving a

request to configure a first permanent virtual circuit (PVC) (see col.3, lines 16-21:

"request... and update the configuration information") between a digital subscriber line

(DSL) (see col.5, lines 46-49: "ADSL") device (see Fig.2A, #220; and col.6, lines 25-26:

"endpoint device 220") and a DSL access module (DSLAM) (see Fig.2A, #210 and

col.4, lines 30-34: "ATM switch 210"), and

automatically configuring said first PVC (see col.3, lines 10-12: "does not have to

be manually entered" and lines 33-37: "avoiding the need for a person to manually

associate") using a list of probe values (see col.5, lines 25-26: "VPI and VCI in the

parameter of the initial request are zero") sent with test packets (see col.5, line 22:

"SNMP "getnext" command... along with a parameter") to probe for configuration

information for said first PVC (see col.5, lines 21-36: "VCI and VPI values are not

known, an SNMP "getnext" command sent from the requesting device to the receiving

device... In this manner, all of the rows of the table 280 may be obtained"), and using

said configuration information to configure said first PVC (see col.3, lines 17-21: "The

endpoint device can then request the configuration information for that PVC, and update

the configuration information stored in the endpoint device"; and col.5, lines 17-20: "The receiving device returns the parameter that was sent to it as part of the request, and the corresponding value of the requested configuration parameter"), wherein said probe values and configuration information may comprise a virtual channel identifier (VCI) and a virtual path identifier (VPI) (see Fig.2B and col.4, lines 59-65)

DEPENDENT:

As per **claims 2 and 15**, which respectively depend on claims 1 and 14, Love further teaches wherein said automatically configuring comprises: sending test packets to said DSLAM using said probe values; receiving a response packet to one of said test packets; retrieving said configuration information from said response packet (see claim 11 rejection above). Langley teaches of configuring said PVC using said retrieved configuration information (see claim 1 rejection above).

As per **claims 3 and 16**, which respectively depend on claims 2 and 15, Love further teaches wherein for each probe value in said probe table said sending comprises: retrieving a probe value from said list of probe values, wherein said probe value represents a virtual circuit (implicit: see col.3, lines 27-30; col.7, lines 21-22; and col.11, lines 47-51: if the system was "active probing", clearly the probe which comprises a test packet would comprise a value); enabling said virtual circuit (inherent); and sending a test packet over said virtual circuit (see col.3, lines 27-29).

As per **claims 4 and 17**, which respectively depend on claims 3 and 16, Langley teaches of further comprising disabling each virtual circuit that did not receive a response packet (implicit: see col.2, lines 18-25).

As per **claims 5 and 18**, which respectively depend on claims 1 and 14, Langley teaches of further comprising: receiving a request to configure a second PVC for said DSL device (see col.6, lines 3-8); receiving configuration information for said second PVC (see col.6, lines 9-19); and configuring said second PVC using said configuration information (see col.6, lines 19-24 and col.7, line 66-col.8, line 12).

As per **claims 7 and 19**, which respectively depend on claims 1 and 4 Langley teaches of further comprising: determining that a terminating condition has occurred prior to automatically configuring said first PVC (see col.8, lines 17-21); sending a message that said first PVC was not configured to a user (see col.8, lines 36-39); and receiving said configuration information for said first PVC from a user (inherent).

As per **claim 9**, which depends on claim 8, Langley further teaches wherein said DSL CPE comprises a DSL CPE consisting essentially one of the following: a DSL/asynchronous transfer mode (ATM) router (see col.1, lines 42-45), an asymmetric DSL (ADSL)/ATM router, a DSL/ATM bridge, an ADSL/ATM bridge, a DSL modem, and an ADSL modem.

As per **claim 12**, which depends on claim 11, Langley teaches of further comprising a configuration module to configure a permanent virtual connection between said DSL and said DSLAM using said configuration information (see col.4, lines 30-34 and col.6, lines 32-41).

Response to Arguments

6.   Applicant(s) arguments filed November 28, 2006 have been fully considered but they are not persuasive.

Applicant(s) argue that the examiner has not established a prima facie case of obviousness because the examiner rejection fails to cite teachings of a test packet.

With respect to claims 1, 8, 11, and 14, after careful review Langley teaches all the limitations (see rejection set forth above) including sent "with test packet". The applicant(s) argue that the probe value sent with test packet are "functionally involved" in that they probe for configuration information. Langley clearly teaches of probing for configuration information (see col.3, lines 1-37 and col.5, lines 21-36) and therefore the functionality of probe value and test packet is explicitly taught. Furthermore, according to the specification, "The term "test packets" as used herein may include packets designed specifically for testing purposes..." (see page 9, lines 8-11) and "The term "probe values" as used herein may refer to values for a virtual circuit such as PVC... VCI and VPI" (see page 9, lines 6-7). Clearly, Langley teaches as cited above, the broad definition of a test packet and further teaches of sending probe values "parameters" and "VPI and VCI" with a get command.

Without explicitly teaching how the probe value and test packets are employed to "probe for configuration information", the limitations of the broadly recited claims are explicitly taught by Langley.
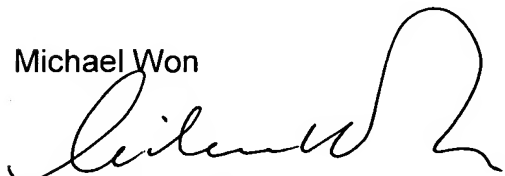
Conclusion

7.   Claims 1-5, 7-9, 11, 12, and 14-19 have been rejected and remain pending.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won

January 9, 2007